

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

CRP (PD) No.907 of 2006
and
MP No.1 of 2006

1. D.Rajamani

2. D.Santhankrishnan

3. D.Suseela

4. D.Jagadha

... Petitioners/Defendants

vs.

D.Kavitha

... Respondent/Plaintiff

Revision against the judgment and decree, dated 10.2.2006, made in IA No.26 of 2006 in O.S. No.59 of 2003 on the file of the Sub Court (I Additional Subordinate Judge), Coimbatore.

For Petitioners : Mr.M.Velmurugan
For Respondent : Mr.A.Dinesh

सत्यमेव जयते
O R D E R

The above Revision is directed against the order of the learned I Additional Subordinate Judge, Coimbatore, dated 10.02.2006, made in I.A. No. 26 of 2006 in O.S. No.59 of 2003, in and by which, the learned subordinate Judge, after finding that the defendants/petitioners herein cannot be permitted to fill up the lacuna, which was left out during the cross examination of P.W.3, dismissed the petition.

2. Heard learned counsel for the petitioners as well as the respondent.

3. The main grievance of the petitioners, particularly the 2nd defendant, is that during the cross examination of PW-3, some important aspects in respect of execution of Exs.A-2 and A-3 documents were left out, in such circumstances, it is just and necessary to permit the defendants to further cross examine PW-3 to substantiate their case. The said Application was resisted by the respondent/plaintiff. In view of the assertion that cross examination of PW-3 with regard to execution of Exs.A2 and A3 is relevant for the issue in question, I am of the view that the learned sub Judge ought to have accepted the request of the defendants. By permitting so, the respondent/plaintiff is in no way going to be prejudiced. In other words, she can also clarify the position by re-examining him. In view of the fact that court below has not yet pronounced judgment in the Suit, in the interest of justice, I am of the view that the petitioners are entitled to the relief asked for. The court below has committed an error in dismissing the said petition.

In view of the same, the order of the court below is set aside. The petitioners/defendants are permitted to cross-examine PW-3 with reference to the execution of Exs.A-2 and A-3. It is made clear that, on this ground, the parties shall not delay the matter. With the above observation, the C.R.P. is allowed. Connected Miscellaneous Petition is closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

JI.

To

The I Addl. Subordinate Judge, Coimbatore.

1 cc To Mr.M.Velmurugan, Advocate, SR.57166.

1 cc To Mr.V.Nicholas, Advocate, SR.57347.

CRP PD No.907/06
& MP No.1 of 2006.

NG(CO)
RVL 08.12.2006